

2016-52-T

C. DEKES SCOTT
EXECUTIVE DIRECTOR

1001 Main Street, Suite 900
Columbia, SC 29201



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Andrew M. Bateman
Counsel for ORS

February 9, 2016

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience
and Necessity of Certain Motor Carriers For Failure to Maintain and File Evidence of
Insurance
Docket No. 2016- -T

Dear Ms. Boyd:

Please find enclosed for this docket, the South Carolina Office of Regulatory Staff's
Petition to Revoke certificates of certain motor carriers for failure to maintain and file evidence
of insurance.

Sincerely,

Andrew M. Bateman

Encl.

cc: All Parties of Record (via U.S. Mail)
Joseph Melchers, Esquire (via U.S. Mail)

BEFORE

OF SOUTH CAROLINA

DOCKET NO. 2016- -T

IN RE:	Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers For Failure to Maintain and File Evidence of Insurance))))))	PETITION FOR REVOCATION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF CERTAIN MOTOR CARRIERS
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The South Carolina Office of Regulatory Staff (“ORS”), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina (“Commission”):

1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. § 58-23-10 *et seq.* (2015 and Supp. 2015); that ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10 *et seq.* (2015 and Supp. 2015).

2. That the companies listed in Exhibit A have been approved by the Commission and certified by ORS to operate as “motor vehicle carriers” as defined in S.C. Code Ann. § 58-23-10(4) (2015) in that they own, control, operate, or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A, each having applied for and having an Order from the Commission to receive a Certificate of Public Convenience and Necessity ("PC&N") to operate a motor vehicle carrier as defined in S.C. Code Ann. § 58-23-10(4) (2015), have submitted to the jurisdiction of the Commission by holding said Certificate PC&N, and are therefore subject to the

jurisdiction of this Commission pursuant to S.C. Code Ann. § 58-23-1010 *et seq.* (2015 and Supp. 2015).

See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance.

4. That the companies listed in Exhibit A, prior to receiving their Certificate PC&N, were each found to be fit, willing and able to operate as a motor carrier by the Commission; from our understanding that in obtaining such authority the companies certified they are “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agree to operate in compliance with these statutes and regulations” 10 S.C. Code Ann. Regs. 103-133(4)(a) (2012); further, the companies certified they are “aware of the commission's insurance requirements and the costs associated therewith.” 10 S.C. Code Ann. Regs. 103-133(4)(b) (2012).

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. § 58-23-910 (2015).

6. That the companies listed in Exhibit A have failed to file proof of insurance as required by S.C. Code Ann. § 58-23-910 (2015) and 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012). See Exhibit B, Affidavit of Carole Chauvin.

7. That ORS notified the companies listed in Exhibit A, through certified mail, return receipt requested, of their failure to file the required documents providing evidence of insurance; that despite this notification, the listed companies have continued to fail to comply with the requirements of providing evidence of insurance.

8. That “[a] failure to file evidence of insurance, self-insurance or surety bond shall be just cause for the commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier. A failure to keep all insurance, self-insurance, or surety bond in full force and effect shall result in automatic suspension, upon receipt of an affidavit from the ORS with supporting evidence, of the commission’s order granting authority, the certificate, and any license issued to the motor carrier...” 10 S.C. Code Ann. Regs. 103-175 (2012); further, that “the [insurance] policy, [surety] bond or certificate of self-insurance...must be kept in full

force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (2015).

9. That “[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria...” 10 S.C. Code Ann. Regs. 103-240 (2012).

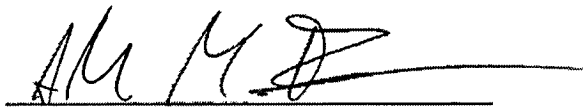
10. That “[t]he commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or willfully violated any of the terms of his certificate or of the commission's proper orders, rules or regulations. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The commission must not be a party to any appeal.” S.C. Code Ann. § 58-23-320 (2015).

11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance. See Exhibit B, Affidavit of Carole Chauvin.

WHEREFORE, ORS respectfully requests that the Honorable Commission:

1. Provide for the opportunity by the carrier to respond to the allegations of this Petition within (30) days from the date of receipt of this Petition;

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates of PC&N of the carriers listed in Exhibit A, which ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Ann. Regs. 103-175 and 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015);
3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided to the Commission under 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015) and thereafter immediately enter a final Order; and,
4. For other appropriate action which the Commission may deem necessary.



Andrew M. Bateman, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
Phone: (803)737-0800
Fax: (803)737-0895
Email: abateman@regstaff.sc.gov

February 9, 2016
Columbia, South Carolina

Exhibit A - Petition to Revoke Certificates for Failure to Maintain Proof of Current Insurance
February 9, 2016

EXHIBIT A
Page 1 of 1

Docket No. _____

No.	Docket #	Cert Type	NAME	DBA	ADDRESS	CITY	STAT	ZIP CODE
1	2014-395-T	Taxi	A-1 Taxi Company LLC		813 Runaway Bay Ln Apt L	Mt Pleasant	SC	29464
2	2013-460-T	Charter	ABS Transportation LLC		PO Box 704	Irmo	SC	29063
3	2011-400-T	Non-Emer	Access Community Transportation, LLC		106 Fabrisier Ln Ste D	Lexington	SC	29072
4	1999-15-T	Charter Bus	Benjamin Hilliard, Sr. & Benjamin Hilliard, Jr.	B & L Charter Bus Lines	533 Hilliard Blvd.	Vance	SC	29163
5	2013-353-T	Charter	BMLR LLC	Spanish Moss Charters and Tours	10 Aviation Ct	Garden City	GA	31408
6	2013-292-T	Charter Bus	BMLR LLC	Spanish Moss Charters and Tours	10 Aviation Ct	Garden City	GA	31408
7	2010-260-T	Charter	Bowers Signature Services, LLC		PO Box 1828	Easley	SC	29641
8	2011-382-T	Taxi	Burgandy Taxi Service, Inc.		535 Clyburn Ave	Hartville	SC	29550
9	2012-213-T	Charter Bus	C & G Charter Ser. LLC		PO Box 24971	Columbia	SC	29224
10	2014-266-T	Non-Emer	Caring Man in a Van LLC		1021 Industrial Blvd Ste B	Watkinsville	GA	30677
11	2012-25-T	Charter Bus	Carolina Executive Coach, LLC		701 Gervais St Ste 150/411	Columbia	SC	29201
12	2013-409-T	Taxi	Charity Barr	The Wright Taxi	1760 Bridge Water Dr	Conway	SC	29526
13	2015-80-T	Non-Emer	Equality Mobility Transportation Services LLC		1076 Moss Grove Dr	Moncks Corner	SC	29461
14	2014-284-T	Taxi	F & T Transportation LLC		115 N Guingnard Dr	Sumter	SC	29150
15	1997-370-T	Taxi	Gaffney Cab Company, Inc.		316 W 3rd St	Gaffney	SC	29341
16	2011-30-T	Taxi	Gerald Brice	Chuck Town Transit	520 Rose Ln	Summerville	SC	29485
17	2014-459-T	Taxi	Gregory Perry	Perry Elite Taxi	7927 St Ives Rd Apt 213	Charleston	SC	29406
18	1994-481-T	Taxi	Hilton Head Limousine Company, Inc.	Yellow Cab	PO Box 22348	Hilton Head Island	SC	29925
19	2015-242-T	Charter	Hosie Dinkins		4286 Reona Ave	Sumter	SC	29154
20	2014-460-T	Charter	Hub City Hopper LLC	Hub City Hopper	334 Lowndes Dr	Spartanburg	SC	29307
21	2013-44-T	Charter	James J. Richburg	Quintessential Charleston Transportation & Limo	367 Fifth Ave	Mt. Pleasant	SC	29464
22	2011-523-T	Taxi	James L. Fordham, Jr.		1430 Meeting St	Charleston	SC	29405
23	2014-343-T	Taxi	Junior & Shalonda Reaves	J & S Taxi Service	516 Upland Ave	Marion	SC	29571
24	2014-42-T	Charter Bus	Lowcountry Valet LLC		3705 Priscilla St #5B	North Charleston	SC	29405
25	2014-174-T	Charter	Lucky Limo LLC		1851 Brittlebush Ln	John's Island	SC	29455
26	2008-239-T	Taxi	Luella M. Bolton	BBB Taxi	PO Box 349	Hopkins	SC	29061
27	2010-218-T	Non-Emer	PTS Transportation Services, LLC		6 Executive Ct	Lake Wylie	SC	29710
28	2011-78-T	Taxi	Roger Grainger		213 W White St	Rock Hill	SC	29730
29	2014-91-T	Taxi	Saaleem Sims		113 Westford Rd	Florence	SC	29506
30	2013-177-T	Charter Bus	Sarah Wilson-Orr	J & S Charter Services	2015 Tuskegee St	Savannah	GA	31405
31	1998-485-T	Charter Bus	Savannah River Charters & Tours, Inc.		5469 Jefferson Davis Hwy	North Augusta	SC	29842
32	2015-153-T	Charter Bus	Seabreeze Motorcoach "LLC"		150 Glenda Dr	LaGrange	GA	30241
33	2015-170-T	Taxi	Serenity Transportation, LLC		PO Box 1053	Walterboro	SC	29488
34	2007-48-T	Charter	Southeast Transportation Services, LLC		304 E Frontage Rd	Greer	SC	29651
35	2014-255-T	Taxi	T & G Transportation LLC		417 Vintage Cir	Myrtle Beach	SC	29579
36	2013-158-T	Non-Emer	Trans Care, LLC		2230 Honeysuckle Ln	Bennettsville	SC	29512

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. _____

February 9, 2016

**IN RE: Petition of the Office of Regulatory Staff to Revoke
 Certificates of Public Convenience and Necessity of
 Certain Motor Carriers for Failure to Maintain and
 File Evidence of Insurance**

**AFFIDAVIT OF
CAROLE CHAUVIN**

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On February 9, 2016, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (Supp. 2013) has not been filed with ORS by the following carriers as of February 9, 2016:" (See attached list)

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, S.C. 29201

Sworn and subscribed before me
this 9th day of February, 2016

Hannah K. Magee

Notary Public for South Carolina

My Commission Expires: 7-19-2021

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2016- -T

IN RE: Petition of the Office of Regulatory Staff to)
Revoke Certificates of Public Convenience)
and Necessity of Certain Motor Carriers) **CERTIFICATE OF SERVICE**
For Failure to Maintain and File Evidence)
of Insurance)

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **PETITION TO REVOKE FOR FAILURE TO MAINTAIN AND FILE EVIDENCE OF INSURANCE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

[PLEASE SEE ATTACHED LIST OF PARTIES SERVED ON THE FOLLOWING PAGES]



Faith E. Shehane

February 9, 2016
Columbia, South Carolina

A-1 Taxi Company LLC
813 Runaway Bay Ln Apt L
Mt Pleasant, SC 29464

ABS Transportation LLC
PO Box 704
Irmo, SC 29063

Access Community Transportation, LLC
106 Fabriser Ln Ste D
Lexington, SC 29072

Benjamin Hilliard, Sr. & Benjamin Hilliard,
Jr.
B & L Charter Bus Lines
533 Hilliard Blvd.
Vance, SC 29163

BMLR LLC
d/b/a Spanish Moss Charters and Tours
10 Aviation Ct
Garden City, GA 31408

BMLR LLC
d/b/a Spanish Moss Charters and Tours
10 Aviation Ct
Garden City, GA 31408

Bowers Signature Services, LLC
PO Box 1828
Easley, SC 29641

Burgandy Taxi Service, Inc.
535 Clyburn Ave
Hartville, SC 29550

C & G Charter Ser. LLC
PO Box 24971
Columbia, SC 29224

Caring Man in a Van LLC
1021 Industrial Blvd Ste B
Watkinsville, GA 30677

Carolina Executive Coach, LLC
701 Gervais St Ste 150/411
Columbia, SC 29201

Charity Barr
d/b/a The Wright Taxi
1760 Bridge Water Dr
Conway, SC 29526

Equality Mobility Transportation Services
LLC
1076 Moss Grove Dr
Moncks Corner, SC 29461

F & T Transportation LLC
115 N Guingnard Dr
Sumter, SC 29150

Gaffney Cab Company, Inc.
316 W 3rd St
Gaffney, SC 29341

Gerald Brice
d/b/a Chuck Town Transit
520 Rose Ln
Summerville, SC 29485

Gregory Perry
d/b/a Perry Elite Taxi
7927 St Ives Rd Apt 213
Charleston, SC 29406

Hilton Head Limousine Company, Inc.
d/b/a Yellow Cab
PO Box 22348
Hilton Head Island, SC 29925

Hosie Dinkins
4286 Reona Ave
Sumter, SC 29154

Hub City Hopper LLC
d/b/a Hub City Hopper
334 Lowndes Dr
Spartanburg, SC 29307

James J. Richburg
d/b/a Quintessential Charleston
Transportation & Limo
367 Fifth Ave
Mt. Pleasant, SC 29464

James L. Fordham, Jr.
1430 Meeting St
Charleston, SC 29405

Junior & Shalonda Reaves
d/b/a J & S Taxi Service
516 Upland Ave
Marion, SC 29571

Lowcountry Valet LLC
3705 Priscilla St #5B
North Charleston, SC 29405

Lucky Limo LLC
1851 Brittlebush Ln
John's Island, SC 29455

Luella M. Bolton
d/b/a BBB Taxi
PO Box 349
Hopkins, SC 29061

PTS Transportation Services, LLC
6 Executive Ct
Lake Wylie, SC 29710

Roger Grainger
213 W White St
Rock Hill, SC 29730

Saaleem Sims
113 Westford Rd
Florence, SC 29506

Sarah Wilson-Orr
d/b/a J & S Charter Services
2015 Tuskegee St
Savannah, GA 31405

Savannah River Charters & Tours, Inc.
5469 Jefferson Davis Hwy
North Augusta, SC 29842

Seabreeze Motorcoach "LLC"
150 Glenda Dr
LaGrange, GA 30241

Serenity Transportation, LLC
PO Box 1053
Walterboro, SC 29488

Southeast Transportation Services, LLC
304 E Frontage Rd
Greer, SC 29651

T & G Transportation LLC
417 Vintage Cir
Myrtle Beach, SC 29579

Trans Care, LLC
2230 Honeysuckle Ln
Bennettsville, SC 29512